IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.MC.No. 623 of 2007()

CC.705/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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PETITIONER: ACCUSED

P.SASIKUMAR, AGED 40 YEARS,
S/O LATE SREEDHARAN, PATTAYIL AGENCIES,
KADALUNDY, CALICUT.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. INDIA CEMENTS LTD., 41/697,
ICL HOUSE, KRISHNASWAMY ROAD, COCHIN-35
REP.BY ITS ASSISTANT MANGER AND POA K.SREEDHARAN.

BY ADV. SRI.K.SRIKUMAR
SRI.C.N.SREEKUMAR
SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR
PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.623 of 2007

Dated this the 4th day of June 2007

O R D E R

The petitioner is aggrieved by Annexure A2 order whereunder petitioner's application for production of documents was dismissed by the learned Magistrate.

2. The complainant has entered appearance. The complainant submits that the petition is without any merit. The prosecution had commenced as early as in 2004. This is only a method to protract the proceedings. However, the learned counsel for the complainant submits that the complainant has no objection and to see the end of the prosecution somehow at the earliest he is prepared to produce all the documents which have been called for by the petitioner. In these circumstances, without prejudice to the contentions regarding the irrelevance of the documents prayed for, he may be permitted to produce the documents and pray for an early disposal.

3. I am satisfied that the said request can be allowed. This Criminal Miscellaneous Case is, in these circumstances,

allowed. The impugned order is set aside. The undertaking of the respondent/complainant to produce all documents called for by the petitioner is taken note of and recorded. He shall produce the same before the learned Magistrate before the next date of posting. The learned Magistrate shall dispose of the case as expeditiously as possible, at any rate, within a period of one month from the date of the next posting.

Hand over copy of this order to both counsel for production before the learned Magistrate.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007